# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/475,630 | 12/30/1999 | Randall Joseph Sandell | 9D-EC-19310 | 6597 |

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| 7590    03/22/2006 | **EXAMINER** |
| John S. Beulick | BORISSOV, IGOR N |
| Armstrong Teasdale LLP | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3639 | |

One Metropolitan Square, Suite 2600
St. Louis, MO 63102

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *27 December 2005*.

2a)☒ This action is **FINAL**.      2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-15,17-23,25-46 and 48-55* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,17-23,25-46 and 48-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

Amendment received on 12/30/1999 is acknowledged and entered. Claims 16, 24 and 47 have been canceled without prejudice. Claims 1 and 50 have been amended. New claims 54-55 have been added. Claims 1-15, 17-23, 25-46 and 48-53 are currently pending in the application.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-15, 17-23, 25-46, 48-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (US 5,913,210) in view of Nicholls et al. (US 5,485,369) further in view of and Kadaba (US 6,889,194) and further in view of Graves et al. (H1743).**

### <u>W.R.T. Claim 1:</u>

Call discloses a method comprising the steps of:

contemporaneously communicating respective order information from a store (107) to a server (101);

a respective delivery agent (col. 1 , lines 16-20) communicating with the server;

communicating the information from the server to a supplier (105; col. 1, lines 32-36, 52-56);

communicating disposition status of the goods from the delivery agent to the server (see Id.; col. 11, lines 11-13., col. 13, lines 17-22).,

exchanging or transferring information about products (see col. 1, lines 32-36 of Call) to other respective party and

the server updating the product information (see Figs. 1-2).

However, Call does not expressly disclose the method including:

generating respective invoice information from the order information;

communicating the invoice information from the logistics intermediary to a delivery agent;

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent;

communicating exceptions from the logistics intermediary to the respective supplier to the store;

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary;

responding, by the respective supplier, based on the exceptions, including conditions of the respective shipped goods, provided by the respective delivery agent to the respective supplier via the logistics intermediary;

wherein the manifest is updated by the logistics intermediary, and

wherein said responding includes rescheduling an order.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the customer to a logistics intermediary (38);

generating respective invoice information from the order information (see Fig. 2, 4A-F);

communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary (col. 2 , lines 61-64., and Fig. 1 for the infrastructure; and

wherein the manifest is updated by the logistics intermediary (see Table 11 for example).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the ad to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, provide conditions of the respective shipped goods, by the respective delivery agent to the respective supplier via the logistics intermediary, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents (col. 1, lines 32-36, 52-56 of Call).

The modified method of Call discloses the invention as recited above, but does not expressly disclose the method including: responding based on the conditions includes replying, by the respective supplier, based on the conditions reported via a graphical user interface by the respective delivery agent after the respective shipped goods are received by the respective delivery agent that delivers the respective shipped goods to one of the buyers of the respective shipped goods, wherein said replying includes rescheduling an order.

Kadaba teaches, for a method and system for preparing a record for shipping goods, that the delivery agent provides a report to the supplier (customer) via a GUI (graphical user interface) after the respective shipped goods are received by the delivery agent (see Figs. 1 , 3, 4A-F, 6A-Q, 9A-F, 1 1A-C).

Graves et al. teaches a method and system for inventory management, including means for communicating with a supplier of the consumable supplies to modify a scheduled delivery of additional consumable supplies, if the scheduled delivery would result in an undesirable result (col. 3, lines 1-5).

It would have been further obvious at the time the invention was made to a person having ordinary skill in the art to modify Call and Nicholls et al. such that the delivery agent provides a report to the supplier (customer) via a GUI (graphical user interface) after the respective shipped goods are received by the delivery agent, as taught by Kadaba, for the purpose of providing an improved system for preparing an electronic shipping record of a parcel, for accessing a tracking database and billing database, for transmitting information to a central computer to indicate a parcel is ready for shipment, and for accommodating order reschedules of the goods based on the shipping record.

And It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Call, Nicholls et al. and Kadaba to include that said replying includes rescheduling an order, as disclosed in Graves et al., because it would advantageously allow to employ said system to support a manufacturing facility with adaptive delivery of supplies, thereby generating more revenue.


W.R.T. Claim 2: The modified Call further discloses the method including the step of shipping the ordered goods to the respective buyer by the respective delivery agent (see Supra Fig. 1 of Nicholls et al.);

W.R.T. Claim 3: The modified Call further discloses the method, wherein the communication network is an Internet based system (see Fig. 1 in Call);

W.R.T. Claim 4: The modified Call further discloses the method including the step of selecting at least one delivery date based on available delivery capacity for each respective delivery agent (see Figs. 4A-4F in Nicholls et al.);

W.R.T. Claim 5: The modified Call further discloses the method including the respective supplier adding delivery information to the electronic manifest, wherein the delivery information includes the quantity, type, and delivery date of respective goods to be delivered to the respective delivery agent (see Supra Table and Figs. of Nicholls et al.);

W.R.T. Claim 6: The modified Call further discloses the method, wherein each respective buyer selects a delivery date for each good based on the available delivery schedule;

W.R.T. Claim 7: The modified Call further discloses the method, wherein the order information communicated by the buyer includes the brand of good, type, model number of the good, the installation service, the address and the delivery date (see col. 1, lines 52-56 and Fig. 2 of Call; Supra Figs. 4A-4F of Nicholls et al.);

W.R.T. Claim 8: The modified Call further discloses the method including the step of generating a respective invoice and communicating the invoice to the store by the logistics intermediary (see Fig. 2 of Call and Figs. 4A-4F of Nicholls et al.);

W.R.T. Claim 9: The modified Call further discloses the method including communicating the respective master requisition labels and an associated manufacturer shipping labels to the delivery agent by the logistics intermediary (see Supra Figs. 1, 4A-F in. Nicholls et al.);

W.R.T. Claim 10: The modified Call further discloses the method including communicating the respective master requisition number and an associated manufacturer shipping number to the store (see Fig. 2 of Call and Table II and Figs. 4A-4F of Nicholls et al.);

W.R.T. Claim 11: The modified Call further discloses the method including communicating the respective manufacturer shipping number and associated shipping address to the supplier by the store (it would have been obvious to provide the additional service between the supplier and store as taught by the reason as cited in Claim 1);

W.R.T. Claim 12: The modified Call further discloses the method including the step of generating a respective purchase order, advance shipping notice and order label by the supplier (see Supra Fig. 1 of Nicholls et al.);

W.R.T. Claim 13: The modified Call further discloses the method including the step of communicating the purchase order invoice to the store by the supplier (see Id.);

W.R.T. Claim 14: The modified Call further discloses the method including the step of communicating the manufacturer shipping number and address to the store by the logistics intermediary (see Supra col. 1 and Fig. 2of Call; and Figs. 4A-F of Nicholls et al.);

W.R.T. Claim 15: The modified Call further discloses the method including the step of delivering the respective good to the delivery agent by the supplier (see Figs. 1, 6 of Nicholls et al.);

W.R.T. Claim 17: The modified Call further discloses the method including the step of attaching the shipping label from the logistics intermediary to the good by the delivery agent (see Figs. 1, 4A-F in Nicholls et al.);

W.R.T. Claim 18: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the logistics intermediary by the delivery agent (see Figs. 1, 6 in Nicholls et al.; Supra col. I of Call);

W.R.T. Claim 19: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the store by the logistics intermediary (see Id.);

W.R.T. Claim 20: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the supplier by the logistics intermediary (see Figs. 1, 6 in Nicholls et al.; Supra col. 1 of Call);

W.R.T. Claim 21: The modified Call further discloses the method including the step of confirming the good delivery date and time of day with respective buyer by the delivery agent (see Figs. 4A-4F and Table II in Nicholls et al.);

W.R.T. Claim 22: The modified Call further discloses the method including the step of delivering the good to the buyer (see Figs. 1, 6 in Nicholls et al.);

W.R.T. Claim 23: The modified Call further discloses the method including the step of communicating the shipping disposition to the intermediary by the delivery agent see (Figs. 1, 6 in Nicholls et al.; Supra col. 1 of Call);

W.R.T. Claim 25: The modified Call further discloses the method, wherein the service-includes the type of installation of the good at the buyer address (both Call and Nicholls et al. provide the service regarding any type of goods whether the goods may require installation or not) – this may never patentably distinguish the applicant's invention from the prior art by merely citing some specific goods requiring the installation;

W.R.T. Claim 26: The modified Call further discloses the method including the step of identifying overage, shortage, damage and suspend;

W.R.T. Claim 27: The modified Call further discloses the method including the step of identifying complete, damage, refusal and cancel (col. 1, lines 7-10 of Nicholls et al.).

### W.R.T. Claim 28:

Call discloses a system comprising:

a communication network (see Fig. 1); a server (101);

at least one delivery agent being adapted to deliver and install a first set of goods (cot. 1, lines 16-20; see Fig. 1); and

at least one store (107) being adapted to receive order information generated by the buyer, reschedule the order (inherently, any merchant store MUST reschedule the order in response to the customer's request, or any other business related conditions) and communicate the order information to the server (see col. 11, lines 11-13; col. 13, lines 17-22).

However, Call does not expressly disclose the system including a logistics intermediary having manifest, wherein the logistics intermediary is in communication with the store, supplier and delivery agent, and wherein the supplier generates order reschedules of the second set of goods based on conditions of the first set of goods, provided by the at least one delivery agent to the supplier via the logistics intermediary.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the customer to a logistics intermediary (38);

a device for generating respective invoice information from the order information; a device for communicating the invoice information from the logistics intermediary to a delivery agent (26);

a device for noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

a device for communicating disposition status of the goods from the respective delivery agent to the logistics intermediary (col. 1, lines 7-10; and Fig. 1 for the infrastructure); and

wherein the manifest is updated by the logistics intermediary (see Table II and the computer system in Fig. 1).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call. Therefore, it would have been obvious at the time the invention was made to a .person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et at. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, provide conditions of the respective shipped goods, by the respective delivery agent to the respective supplier via the logistics intermediary and generate order reschedules of the second set of goods, as taught by Nicholls et al.,, for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents (col. 1, lines 32-36, 52-56 of Call).

The modified system of Call discloses the invention as recited above, but does not expressly disclose the system including: at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the respective buyer.

Kadaba teaches, for a method and system for preparing a record for shipping goods, that the delivery agent provides a report to the supplier (customer) via a GUI (graphical user interface) after the respective shipped goods are received by the delivery agent (see Figs. 1 , 3, 4A-F, 6A-Q, 9A-F, 1 1A-C).

Graves et al. teaches a method and system for inventory management, including means for communicating with a supplier of the consumable supplies to modify a scheduled delivery of additional consumable supplies, if the scheduled delivery would result in an undesirable result (col. 3, lines 1-5).

It would have been further obvious at the time the invention was made to a person having ordinary skill in the art to modify Call and Nicholls et al. such that the delivery agent provides a report to the supplier (customer) via a GUI (graphical user interface) after the respective shipped goods are received by the delivery agent, as taught by Kadaba, for the purpose of providing an improved system for preparing an electronic shipping record of a parcel, for accessing a tracking database and billing database, for transmitting information to a central computer to indicate a parcel is ready for shipment, and for accommodating order reschedules of the goods based on the shipping record.

And It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Call, Nicholls et al. and Kadaba to include that said replying includes rescheduling an order, as disclosed in Graves et al., because it would advantageously allow to employ said system to support a manufacturing facility with adaptive delivery of supplies, thereby generating more revenue.


W.R.T. Claim 29: the modified Call further discloses the system, wherein the network is an Internet (see Fig. 1 in Call);

W.R.T. Claim 30: the modified Call further discloses the system, wherein the network includes at least one computing unit (see Supra Figs. in both Call and Nicholls et al.);

W.R.T. Claim 31: the modified Call further discloses the system, wherein the network further includes an additional computing unit (see Fig. 1, 3A of Nicholls et al.);

W.R.T. Claim 32: the modified Call further discloses the system, wherein the computing unit is adapted to house the electronic manifest and the delivery management system (see Figs. 1, 4A-F in Nicholls et al.; and Fig. 2 in Call);

W.R.T. Claim 33: the modified Call further discloses the system, wherein the computing unit includes a scanner that scans the labels to uplink and unload data to the intermediary (see Fig. I in Nicholls et al.);

W.R.T. Claim 34: the modified Call further discloses the system, wherein the scanner includes a scanner display and keyboard input (see Id.);

W.R.T. Claim 35: the modified Call further discloses the system, wherein the intermediary is adapted to generate a master requisition label, associated manufacturer shipping labels, and an advanced shipping notice (see Supra Figs. in Nicholls et al.);

W.R.T. Claim 36: the modified Call further discloses the system, wherein the intermediary is adapted to communicate with the store, delivery agent, and supplier (see the reason as recited in Claim 28);

W.R.T. Claim 37: the modified Call further discloses the system, wherein the intermediary communicates with the store, delivery agent, and supplier (via mail, courier, fax..);

W.R.T. Claim 38: the modified Call further discloses the system, wherein the supplier generates a purchase order for the store based on the order information generated by the buyer (see col. 1, lines 52-65 of Call; and Table II in Nicholls et al.);

W.R.T. Claim 39: the modified Call further discloses the system, wherein the scanner employs a computer program having the exception report and the disposition report (see Figs. 1, 4s and Table II in Nicholls et al.);

W.R.T. Claim 40: the modified Call further discloses the system, wherein the scanner employs the computer program having an exception report having a overage menu, shortage, damaged, and a suspend menu (see Supra columns 1, 11, and 13 of Call); and

W.R.T. Claim 41: the modified Call further discloses the system, wherein the scanner employs the computer program having a disposition report having 'a complete, damage, refusal and a cancel menu (see the scanner and the computer system in Nicholls et al. and the transfer of any information regarding the goods in Call).

### W.R.T. Claims 42 and 50:

Call discloses a system comprising:

means (101) for utilizing a communication network to transfer information between the supplier (1050, the delivery agent (103) and store (107);

means (the computer system) for providing order and shipping information to the at least one delivery agent, wherein at least one delivery agent is adapted to deliver and install a first set of goods ordered by the respective buyer; and

means for updating information (computer system).

However, Call does not expressly discloses the system including:

means for utilizing a logistics intermediary to the network, the intermediary being adapted to employ an electronic manifest;

means for utilizing a communication network to transfer order and shipping information between the supplier, delivery agent and store; and

means for scheduling the shipment of goods based on order and shipping information and an exception report, wherein the supplier generates order reschedules of the second set of goods.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the customer to a logistics intermediary (38);

means for generating respective invoice information from the order information (26);

means for communicating the invoice information from the logistics intermediary to a delivery agent (26);

means for noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

means for communicating disposition status of the goods from the respective delivery agent to the logistics intermediary (col. 1, lines 7-10; and Fig. 1 for the infrastructure); and

wherein the manifest is updated by the logistics intermediary (see Table II and the computer system in Fig. 1).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, provide conditions of the

respective shipped goods, by the respective delivery agent to the respective supplier via the logistics intermediary, as taught by Nicholls et al., 'for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents (col. 1, lines 32-36, 52-56 of Call).

The modified system of Calf discloses the invention as recited above, but does not expressly disclose the system including: at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the respective buyer.

Kadaba teaches, for a method and system for preparing a record for shipping goods, that the delivery agent provides a report to the supplier (customer) via a GUI (graphical user interface) after the respective shipped goods are received by the delivery agent (see Figs. 1 , 3, 4A-F, 6A-Q, 9A-F, 1 1A-C).

Graves et al. teaches a method and system for inventory management, including means for communicating with a supplier of the consumable supplies to modify a scheduled delivery of additional consumable supplies, if the scheduled delivery would result in an undesirable result (col. 3, lines 1-5).

It would have been further obvious at the time the invention was made to a person having ordinary skill in the art to modify Call and Nicholls et al. such that the delivery agent provides a report to the supplier (customer) via a GUI (graphical user interface) after the respective shipped goods are received by the delivery agent, as taught by Kadaba, for the purpose of providing an improved system for preparing an electronic shipping record of a parcel, for accessing a tracking database and billing database, for transmitting information to a central computer to indicate a parcel is ready for shipment, and for accommodating order reschedules of the goods based on the shipping record.

And It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Call, Nicholls et al. and Kadaba to include that said replying includes rescheduling an order, as disclosed in Graves et al., because it would advantageously allow to employ said system to support a manufacturing facility with adaptive delivery of supplies, thereby generating more revenue.

W.R.T. Claim 43: The modified Call further discloses the system including means for receiving the order information and communicating the order information to the intermediary by the store (see Fig. 1 in Nicholls et al. in combination of Fig. 1 infrastructure in Call);

W.R.T. Claim 44: The modified Call further discloses the system including means for communicating with the store, delivery agent and supplier by the intermediary (see Supra networking structure in both Call and Nicholls et al.);

W.R.T. Claim 45: The modified Call further discloses the system including means for generating the exception report (see Figs. 4A-4F, Table II in Nicholls et al.);

W.R.T. Claim 46: The modified Call further discloses the system including a overage, shortage, damaged and suspend menu (see Supra columns 1, 11 and 13 in Call and the shipping program in Nicholls et al.);

W.R.T. Claim 48: The modified Call further discloses the system including means for generating a disposition report (the combined system of Call can generate the report because it indudes the similar, capable components, such as the one shown in Fig. 1 in both Call and Nicholls et al.);

W.R.T. Claim 49: The modified Call further discloses the system, wherein the intermediary is adapted to adjust good deliveries based on a disposition report (see the interrelationship between the intermediary and the shippers in Nicholls et at. and Figs. 4A-F can be modified to adjust good deliveries).

W.R.T. Claim 51: The modified Call further discloses the system, wherein the logistics intermediary communicates exceptions to the supplier (see the reasons as recited in Claim 50);

W.R.T. Claim 52: The modified Call further discloses the system, wherein the logistics intermediary communicates exceptions to the store (see the interrelationship between the intermediary and the store in Fig. 1 in Nicholls et al.); and

W.R.T. Claim 53: The modified Call further discloses the system, wherein the delivery agent communicates disposition status of goods to the intermediary and the intermediary updates the e-manifest (see Supra Table II and the interrelationship between the delivery agent and intermediary in Nicholls et al.).

W.R.T. Claim 54: Graves et al. teaches a method and system for inventory management, including means for communicating with a supplier of the consumable supplies to modify a scheduled delivery of additional consumable supplies, if the scheduled delivery would result in an undesirable result (col. 3, lines 1-5). Graves et al. does not specifically teach that said undesirable result includes damaged goods. However, the specification does not provide any indication of the advantages of said features over the prior art. Without such indication, said *damaged goods* would be an obvious variation of any reason why said scheduled delivery would result in undesirable result.

W.R.T. Claim 55: See reasoning applied to Claim 50.


### Response to Arguments

Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive.


In response to applicant's argument that the prior art does not teach "responding, by the prospective supplier, based on conditions of the respective shipped goods provided by the respective delivery agent to the respective supplier via the logistics intermediary, where responding based on the conditions includes rescheduling an order, by the respective supplier, based on the conditions reported via a GUI by the respective delivery agent", it is noted, that the prior art does, in fact, disclose said feature. Specifically, Kadaba teaches, that the delivery agent provides a report to the supplier (customer) via a GUI after the respective shipped goods are received by the

delivery agent (see Figs. 1 , 3, 4A-F, 6A-Q, 9A-F, 1 1A-C).

Graves et al. was applied to show communicating with a supplier of the consumable supplies to modify a scheduled (reschedule) delivery of additional consumable supplies, if the scheduled delivery would result in an undesirable result (col. 3, lines 1-5).
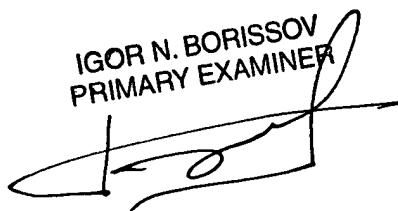
## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IGOR N. BORISSOV
PRIMARY EXAMINER

IB
3/17/2006